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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number 09/256,265

Filing Date February 23, 1999

First Named Inventor Dah-Bin Kao

Art Unit 2815

Examiner Name Jose R. Diaz

Attorney Docket Number 0000-0002

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input checked="" type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Renewed Petition under 37 CFR 1.137(b) Drawings - 2 sheets Copy of PTO/SB/64 Petition for Revival - Abandoned Unintentionally Copy of PTOL-85 FEE(S) TRANSMITTAL | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|--------------------|--------------------|-----------------|
| Firm or Individual | Dah-Bin Kao | Reg. No. 53,092 |
| Signature | <i>Dah-Bin Kao</i> | |
| Date | January 4, 2005 | |

CERTIFICATE OF TRANSMISSION/MAILING

| | | | |
|--|--------------------|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: January 4, 2005 | | | |
| Typed or printed | Dah-Bin Kao | | |
| Signature | <i>Dah-Bin Kao</i> | Date | January 4, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Kao et al.
Application No.: 09/256,265
Page 1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dah-Bin Kao et al.

Application No.: 09/256,265

Filed: February 23, 1999

For: METHOD AND APPARATUS FOR
SPLIT GATE SOURCE SIDE
INJECTION FLASH MEMORY CELL
AND ARRAY WITH DEDECATED
ERASE GATES

Examiner: Jose R. Diaz

Art Unit: 2815

Renewed Petition under 37 CFR 1.137(b)

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Examiner:

In response to the Office of Petitions decision mailed 11/05/2004, please enter the two sheets of formal drawings as required by the Notice of Allowability of April 14, 2004:

Figure 3: Label 59 in Fig. 3d was corrected according to the marked-up sheet submitted with the Applicants' amendment submitted 6/13/2003. (This date was mistakenly stated as 6/13/00 in the Notice of Allowability of April 14, 2004.)

Figure 6: The left margin has increased to more than 2.5 cm according to the Draftsperson's Patent Drawing Review (PTO-948) attached to Office Action mailed 10/3/2000.

REMARKS

This is a request for reconsideration for the Dismissed decision mailed November 05, 2004 on the petition under 37 CFR 1.137(b) filed September 20, 2004 to revive the above-identified application, for lack of corrected formal drawings. The two sheets of corrected formal drawings, as required by the Notice of Allowability of April 14, 2004, are hereby submitted, along with a copy of the above-mentioned petition filed September 20, 2004.

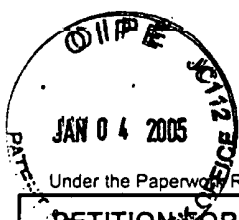
Applicants respectfully request the revival of the application and its prompt issuance. If the Examiner believes a telephone conference would expedite process of this application, please telephone the undersigned at 408-474-1634.

Respectfully submitted,



Dah-Bin Kao
Reg. No. 53,092

Winbond Electronics Corporation America
2727 North First Street
San Jose, California 95134
Tel: 408-474-1634
Fax: 408-544-1787



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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

0000-0002

First named inventor: Dah-Bin Kao

Application No.: 09/256,265

Art Unit: 2815

Filed: 02/23/1999

Examiner: DIAZ, JOSE R

Title: METHOD AND APPARATUS FOR SPLIT GATE SOURCE SIDE INJECTION FLASH MEMORY CELL AND ARRAY WITH
DEDICATED ERASE GATES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ 1,330.00.

- ☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Sept. 20, 2004

Date

Dah-Bin Kao

Signature

Telephone

Number: (408)474-1634

Dah-Bin Kao

Typed or printed name

Winbond Electronic Corporation America

Address

2727 North First Street, San Jose, CA 94303

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: FEE(S) TRANSMITTAL, PTO-2038 Credit Card Payment Form, and Return Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Sept. 20, 2004

Date

Dah-Bin Kao

Signature

Dah-Bin Kao

Type or printed name of person signing certificate